

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JERRY V. RICE,

Plaintiff,

vs.

Civ. No. 97-120 LH/WWD

UNITED STATES, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Plaintiff's Motion for Reconsideration [docket no. 46] filed July 2, 1998. The motion was contemplated in my Memorandum Opinion and Order entered June 19, 1998. Plaintiff has now met the condition which would allow for setting aside the portion of my previous Memorandum Opinion and Order which barred introduction of "any evidence of damages he has suffered either by way of document, date of compilation, or testimony." Plaintiff's belated assertions that Defendants did not comply with Fed. R. Civ. P. 37(a)(2)(A) will not be considered.

**WHEREFORE,**

**IT IS ORDERED** that the portion of my Memorandum Opinion and Order dated June 19, 1998, which reads:

IT IS FURTHER ORDERED that at the time of the trial of this cause, Plaintiff shall not be allowed to introduce any evidence of damages he has suffered either by way of document, data compilations, or testimony.

be, and it hereby is, VACATED and SET ASIDE.

**IT IS FURTHER ORDERED** that each side shall bear its own costs and attorney fees in connection with the Defendants' Motion to Compel Mandatory Disclosures and the instant Motion for Reconsideration.

  
UNITED STATES MAGISTRATE JUDGE